

REMARKS

Applicant is filing this preliminary amendment along with a continuation of U.S. Patent Application Serial No. 09/640,498, filed August 16, 2000, and entitled "Silicate-Based Sintering Aid and Method" (the '498 application). In this preliminary amendment, Applicant is amending the claims to be identical to the claims that were indicated allowable in the '498 application in the Notice of Allowance mailed September 4, 2003. Applicant is also amending the specification to be identical to the specification of the '498 application, when allowed, with the exception to the amended priority claim which indicates that the present application is a continuation of the '498 application.

Claims 1-32 are being canceled without prejudice or disclaimer. Applicant reserves the right to pursue the canceled claims in one or more continuing applications. Claims 37-39, 41 and 44-45 are being amended. Claims 46-57 have been added. Support for the amendments and new claims may be found in the specification. No new matter has been added.

The continuation application is being filed to permit the Examiner to consider the following comments.

The Reasons for Allowance in the Notice of Allowance mailed September 4, 2003 includes the statement that "Neither [WO 98/35920 nor US 5,335,139] suggests that the sintering aid forms a coating on the barium titanate particles." Applicant believes that this does not accurately characterize WO/35920 (the '920 publication). The '920 publication discloses examples of low temperature sintering aids including bismuth oxide, zinc oxide, zinc borate, zinc vanadate, lithium borate and combinations thereof. The '920 publication also discloses barium titanate particles coated with bismuth oxide (See Example 3).

Notwithstanding, Applicant believes the claims as presented are allowable in view of the '920 publication and the other cited references. In particular, neither the '920 publication nor US 5,335,139, alone or in combination, teach or make obvious the claimed compositions which comprise (1) barium titanate-based particles coated with an alkaline earth metal silicate-based sintering aid; or (2) a mixture of barium titanate-based particles and alkaline earth metal silicate-based particles having an average particle size of less than about 500 nm.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested.

Please charge any fee or any fee deficiency occasioned by this amendment to Deposit Account No. 23/2825.

Respectfully submitted,

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